



OFFICE OF THE CITY CLERK CITY OF BINGHAMTON

William Berg, City Council President
Jeremy Pelletier, City Clerk

**BOARD OF ESTIMATE AND APPORTIONMENT
MEETING MINUTES
DPW Conference Room, 3rd Floor City Hall
Wednesday May 27, 2015**

Call to Order. Called to order at 11:14am by Chuck Shager, Comptroller

Board Members Present: Chuck Shager, Comptroller; Richard Perkins, Acting City Engineer; Kenneth J. Frank, Corporation Counsel; Terry Kellogg, DPW Commissioner

Board Members Absent: Richard C. David, Mayor

Also Present: Jeremy Pelletier, City Clerk

ITEMS CONSIDERED

Permanent Easement for Portion of 70-72 Court Street. Request to enter into an agreement for a permanent easement for a portion of 72 Court Street, submitted by 33 State Street Associates. Alan Pope, Andrew Urso and Larry Pasquale attended the meeting held January 15, 2014 to discuss the proposal. The Board reviewed this matter, and concluded that any agreement should be limited to the space required for a stairway, but should not include space for a patio. The Board of Contract and Supply approved a Request for Sealed Bids for 70-72 Court Street at a meeting held on February 12, 2014. Such Request for Sealed Bids includes a restriction stating that the sale would be subject to a permanent easement for pedestrian ingress and egress from a basement stairwell at 92 State Street, but that construction above the stairwell would be permitted. Kenneth J. Frank to discuss the details of the permanent easement with Mr. Pope. Kenneth J. Frank sent a letter to Mr. Pope requesting a better description of the distances of the proposed easements

Triangular Portion of Flynn Avenue. Binghamton Giant Markets, Inc. submitted an offer to purchase the triangular portion of Flynn Avenue for \$500.00. The intended use of the property is for continued parking. This offer was included in the packet submitted by John Young. The Board of E&A approved the sale of Flynn Avenue to John Young on March 18, 2015 for \$6,250. Jeremy Pelletier will reach out to Corporation Counsel and the Assessor for their opinion. Scott Snyder responded on May 7, 2015 stating that he has no objection to the sale to Binghamton Giant Markets, Inc. Ken Frank will review the offer to purchase and report back to the members of E&A.

Lease Extension. Extending lease agreement with Volunteers Improving Neighborhood Environments for 16 and 20 Tudor Street and 9 and 11 Varick Street. Submitted by Bob Murphy, Director of Economic Development. Ken Frank and Bob Murphy will discuss the lease agreements and report back to the members of E&A. Ken Frank responded on May 13, 2015 stating that the original agreement was for 16 and 20 Tudor with a five year lease until April 22, 2015. In 2011, Council approved adding 9 and 11 Varick, and 126 Susquehanna to that lease. Ken Frank stated he did not have a separate lease, so he assumes that all leases expire April 22, 2015. There is no renewal in the lease, so unless VINES has another lease, it should go back to Council for an extension.

Offer to Purchase 85 Glenwood Avenue. John Sacco submitted an offer to purchase 85 Glenwood Avenue for \$5,500 to be used for extra parking for property he owns at 92 Glenwood Avenue on April 13, 2015.

Response from Assessor: Scott Snyder responded on April 14, 2015 Scott Snyder responded stating he has no objection to the offer as long as normal conditions apply including that the property is merged with the parent parcel after the purchase.



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Response from PHCD: Juliet Berling stated on April 15, 2015 that the property is in a C4 district and is neither in a FEMA or historical district.

Response from Economic Development: Bob Murphy stated on April 16, 2015 that he has no moral objections.

Response from Code: Tom Costello responded on May 19, 2015 stating that he believes that the prospective buyer may not have followed Zoning requirements for establishing a new business at **92 Glenwood**. The latter structure is the former site of a retail/wholesale carpet business. That building was the subject of investigation in relation to the Vacant Property regulations in our code. The investigation was contentious in regard to whether the former legal, non-conforming use had been abandoned and whether the premises were vacant or being used for other purposes, i.e. warehouse/storage. If the prospective owner is proposing to use the property at **85 Glenwood** for purposes of supporting the business at 92 Glenwood, we believe it is incumbent upon the applicant to provide more detailed information about future parcel development. In current condition, the parcel is an undeveloped vacant lot which was created by a relatively recent demolition. It is in poor condition. If the applicant is proposing to build a code compliant, parking area on the parcel, we recommend that further work be done to determine whether that prospect is feasible.

E&A Action: Jeremy Pelletier will invite Tom Costello to attend the E&A meeting on June 3, 2015 to discuss this offer to purchase.

Donation of 40 The Circuit Street. Helen Turan sent a letter on March 16, 2015 stating that she would like to donate 40 The Circuit Street to the City of Binghamton.

Response from Assessor: Scott Snyder responded on March 19, 2015 stating that he has no objection to this due to the fact that it could be a good addition to the flood control/runoff properties. Scott Snyder also stated that this is a residential vacant lot that borders a creek on the right as you look at it and a private residence on the left. It is not a very level lot that slopes towards the creek on the left. From what I can see there are not any outstanding tax issues. I believe that it has been for sale now and again.

Response from PHCD: Juliet Berling responded on March 20, 2015 stating that it appears that it's a vacant wooded lot that is adjacent to a similar lot that is owned by the City. Only difference between the two that I can see is that the City owned lot is fenced in and some kind of rock construction maybe for a drainage or sewer. I checked and I can't find any code violations on the property or past problems.

Response from Economic Development: No response.

Response from Code: Tom Costello responded on May 19, 2015 stating that he supports and recommends approval of accepting donation of this property.

E&A Action: Richard Perkins will review the property and report back to the rest of the Board members.

Donation of 25 Munsell Street. Wells Fargo stated on April 30, 2015 that they would like to donate 25 Munsell Street to the City of Binghamton with \$34,525 in lieu for property demolition. Wells Fargo will provide a marketable title on the property and will pay all closing costs including title insurance policy, taxes through the day of closing and past due utilities.

Response from Economic Development: Bob Murphy stated on April 30, 2015 that he is all for it.

Response from Assessor: Scott Snyder responded on May 19, 2015 stating whether they would be interested in donating the property to VINES.

Response from Code: Tom Costello responded on May 19, 2015 stating that in regards to both properties being donated by Wells Fargo, **25 Munsell and 16 Second St**, we are concerned about the disposition of "seller concession in lieu of demo." Our concern is based on the current condition of the properties and the immediate necessity for demolition. If these funds are provided to the City, is it the intention of the municipality to dedicate those funds for the purpose of demolishing those same houses. If not, we do not support the initiative because there are no municipal resources available to manage that type of vacant property. They are extremely blighted and should be demolished with priority.



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Response from PHCD: Juliet Berling responded on May 20, 2015 stating that according to the citizen-driven comp plan is to have that section of Munsell Street to become a single family detached home area. The demolition of this property would move us in the right direction. The stone foundation for this structure has been compromised, in that sections of the original are partially missing and someone has made an attempt to replace the missing sections with a wood foundation. This practice would be acceptable if they had done it correctly. Unfortunately, they did not put a proper footer under the sill plate and instead just installed pressure treated 2x4s on the ground. Also, the dimensional lumber that was used is not the proper size. For a two story structure of this size, 2x6 lumber should have been used. In order to correct this, 100% of the rear of the foundation would have to be replaced along with 50% of each side with new. This fact alone would make this a costly rehab. The existing exterior siding on this house is asbestos shingles which would have to be removed by a certified abatement contractor. This would be an even greater cost than replacing the foundation. This house is built on a bank with no front or side yards and a small slopped yard in the rear. It is also sandwiched in between two other houses with less than ten feet between them.

If the city were to obtain ownership of this structure; my recommendation would be for it to be demolished in favor of green space between the other two houses.

E&A Action: Jeremy Pelletier will contact Wells Fargo to see if they would pay for a pre-demolition survey of the property.

Donation of 16 Second Street. Wells Fargo stated on May 8, 2015 that they would like to donate 16 Second Street to the City of Binghamton with \$15,000 in lieu of property demolition.

Response from Assessor: Scott Snyder responded on May 19, 2015 stating whether they would be interested in donating the property to VINES.

Response from Economic Development: No Response

Response from Code: Tom Costello responded on May 19, 2015 stating that he is concerned about the disposition of "seller concession in lieu of demo." Our concern is based on the current condition of the properties and the immediate necessity for demolition. If these funds are provided to the City, is it the intention of the municipality to dedicate those funds for the purpose of demolishing those same houses. If not, we do not support the initiative because there are no municipal resources available to manage that type of vacant property. They are extremely blighted and should be demolished with priority.

Response from PHCD: Juliet Berling responded on May 15, 2015 stating that is not a notable property from a planning perspective. It is close to a floodplain, so if it is blighted I would not be opposed to demolishing it and reducing the amount of impervious surface in that area.

E&A Action: Jeremy Pelletier will contact Wells Fargo to see if they would pay for a pre-demolition survey of the property.

NEW BUSINESS

Approval of Minutes. Request to approve the minutes from the Board of Estimate and Apportionment meeting held on May 20, 2015.

Motion to approve the minutes from May 20, 2015.

Moved by Kellogg, seconded by Shager.

Motion carried. (Vote 4-0-1)

Ayes: Perkins, Kellogg, Shager, Frank

Nays: None

Absent: David



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Budget transfer. Request to transfer \$29,267 from budget line A3410.51000 (Personal Services –Firefighter Gr 1) to budget line A3410.52600. Submitted by Daniel Thomas, Fire Chief.

Motion to approve budget transfer.

Moved by Frank, seconded by Shager.

Motion carried. (Vote 4-0-1)

Ayes: Perkins, Kellogg, Shager, Frank

Nays: None

Absent: David

Adjournment. Motion to adjourn at 11:16am.

Moved by Perkins, seconded by Kellogg.

Voice vote, none opposed.